

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FILED

NOV 20 2009 A

FIRST JUDICIAL DISTRICT

Case Type: Mechanic's Lien Foreclosure

SCOTT COUNTY COURTS

In re M.W. Johnson Construction, Inc.
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-08-12187

Plaintiff,

**STIPULATION OF PARTIAL DISMISSAL
WITH PREJUDICE;**

vs.

**ORDER FOR PARTIAL DISMISSAL WITH
PREJUDICE AND PARTIAL JUDGMENT**

Alex Hernandez, Beilen Hernandez,
M.W. Johnson Construction, Inc.,
Countrywide Bank, FSB, Automated
Building Components, Inc., Slate
Cement, Inc., Pyramid Enterprises,
Inc., Elite Waste Disposal,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Alex Hernandez, Bielin Hernandez (the "Hernandezes") and Countrywide Bank FSB, by and through their undersigned attorneys, as follows:

1. Count II of Stewart's Complaint for unjust enrichment claim against the Hernandezes shall be dismissed with prejudice on the merits and without an award of costs, disbursements or attorney's fees to any party.

2. Any party to this Stipulation without prior notice to any other party may cause an order for partial judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: October 14th, 2009

By: 

Susanne M. Glasser (#0272978)

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Edina, Minnesota 55436

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Attorney for Plaintiff Stewart Plumbing, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 14, 2009

By: 

Katherine M. Melander (#180464)

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Attorneys for Defendants

Alex Hernandez, Beilin A. Hernandez and

Countrywide Bank, FSB

ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE AND PARTIAL JUDGMENT

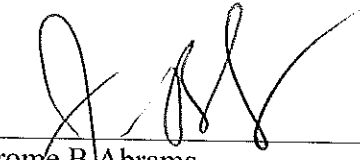
Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Alex Hernandez, Bielin Hernandez (the "Hernandezes") and Countrywide Bank FSB, by and through their attorneys, the Court makes the following **ORDER**:

1. The parties' Stipulation of Partial Dismissal with Prejudice is hereby approved in all respects.
2. Count II of Stewart's Complaint against the Hernandezes for unjust enrichment is hereby dismissed **WITH PREJUDICE**, on the merits and without an award of costs, disbursements or attorneys' fees to any party.

THERE BEING NO JUST REASON FOR DELAY, LET PARTIAL JUDGMENT BE ENTERED FORTHWITH.

BY THE COURT:

Dated: Nov 18, 2009



Jerome B. Abrams
Judge of District Court
Consolidated Master Court File No. 70-CV-09-7343
Court File No. 70-CV-08-12187

JUDGMENT

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-20-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K Brown